

CHAPTER 33. TOWNSHIP OF WEST DEER
HOME RULE CHARTER

Art.		Sec.
I.	NAME AND BOUNDARIES	33.1-1001
II.	POWERS OF THE TOWNSHIP	33.2-1005
III.	TOWNSHIP BOARD OF SUPERVISORS	33.3-1011
IV.	OPERATION AND PROCEDURES OF THE BOARD OF SUPERVISORS	33.4-1034
V.	ORDINANCES AND RESOLUTIONS	33.5-1054
VI.	TOWNSHIP ATTORNEY	33.6-1076
VII.	TREASURER	33.7-1081
VIII.	TOWNSHIP TAX COLLECTOR	33.8-1096
IX.	SECRETARY	33.9-1121
X.	POLICE DEPARTMENT	33.10-1125
XI.	BUDGET AND FISCAL MATTERS	33.11-1141
XII.	CONTRACTS	33.12-1161
XIII.	PERSONNEL	33.13-1176
XIV.	GENERAL PROVISIONS	33.14-1188

Source

The provisions of this Chapter 33 adopted May 21, 1974, effective January 5, 1976, unless otherwise noted.

ARTICLE I. NAME AND BOUNDARIES

Sec.

33.1-1001. Name.

33.1-1002. Boundaries.

§ 33.1-1001. Name.

The Township of West Deer shall continue to be a municipal corporation under its present name, "Township of West Deer." As used in this Charter, the word "Township" shall mean the Township of West Deer in Allegheny County, Pennsylvania.

§ 33.1-1002. Boundaries.

The boundaries of the Township shall be the actual boundaries of the Township at the time this Charter takes effect and as they may be lawfully changed thereafter.

ARTICLE II. POWERS OF THE TOWNSHIP

Sec.

33.2-1005. Powers.

33.2-1006. Construction.

33.2-1007. Residual Powers in the Township Board of Supervisors.

§ 33.2-1005. Powers.

The Township has, and may exercise, any power, and may perform any function not denied by the Constitution of the United States or by the Constitution of Pennsylvania, by this Charter, or by the General Assembly, at any time.

Cross References

This section cited in 302 Pa. Code § 33.2-1006 (relating to construction).

§ 33.2-1006. Construction.

The powers of the Township under this Charter shall be construed broadly in favor of the Township, and the specific mention of particular powers in this Charter shall not be construed as limiting in any way the general power stated in this article. All possible powers of the Township, except as limited in § 33.2-1005 above, are to be considered as if specifically and individually set forth in this article, whether such powers are presently available to the Township or may hereafter be available.

§ 33.2-1007. Residual Powers in the Township Board of Supervisors.

All powers of the Township, including any such power which may hereafter be conferred on the Township by amendment of the Constitution of the United States or of the Constitution of Pennsylvania or of this Charter or by act of the General Assembly, unless otherwise specifically set forth in this Charter, shall be vested in the Township Board of Supervisors. The Board shall be elected, shall organize, and shall function as provided in this Charter.

ARTICLE III. TOWNSHIP BOARD OF SUPERVISORS

Sec.

- 33.3-1011. Composition.
- 33.3-1012. Terms.
- 33.3-1013. Election.
- 33.3-1014. Election Procedure.
- 33.3-1015. Compensation of Supervisors.
- 33.3-1016. Qualifications of Supervisors.
- 33.3-1017. Authority.
- 33.3-1018. Prohibitions.
- 33.3-1019. Vacancies.
- 33.3-1020. Filling of Vacancies.
- 33.3-1021. Organization of the Board.

§ 33.3-1011. Composition.

There shall be a Township Board of Supervisors of seven (7) members elected by the qualified voters of the Township at large.

§ 33.3-1012. Terms.

The terms of all Supervisors shall be four years, except for the election of 1975. The terms of Supervisors under this Charter shall begin the first Monday of the year following their election. Supervisors cannot serve more than two consecutive terms. A partial term shall be construed as a whole term for the purpose of this section.

§ 33.3-1013. Election.

The regular election of Supervisors shall be held on the municipal election day as established from time to time by the laws of the Commonwealth of Pennsylvania commencing in the year 1975. At the first election under this Charter, five (5) Supervisors shall be elected. The three (3) candidates receiving the greatest number of votes shall serve for terms of four years, and the two (2) candidates receiving the next highest number of votes shall serve for terms of two years. Commencing with the next municipal election three or four Supervisors shall be elected (for full four-year terms) as required to bring the total number up to seven members.

§ 33.3-1014. Election Procedure.

The procedure for nomination and election of supervisors shall be as established by the general laws of the Commonwealth of Pennsylvania for municipal elections.

§ 33.3-1015. Compensation of Supervisors.

Supervisors shall receive no compensation, direct or indirect, for the performance of their duties; they shall receive no pensions, insurance or other form of fringe benefits. They shall, however, be entitled to their actual expenses incurred in the performance of their duties. Expenses must be approved by a majority of the whole Board.

§ 33.3-1016. Qualifications of Supervisors.

A Supervisor shall be a citizen of the United States, shall have been a resident of the Township for at least one (1) year prior to the date of his election, and shall be a registered voter.

§ 33.3-1017. Authority.

All authority of the Board of Supervisors shall be asserted only by the Board. No individual Supervisor shall have any authority whatsoever under this Charter unless such authority is specifically delegated by the Charter or by the Board acting as a body.

§ 33.3-1018. Prohibitions.

No Supervisor shall hold any other compensated or uncompensated Township office or employment during the term for which he is elected to the Board, and no former Supervisor shall hold any compensated appointive Township office or employment, nor shall he act as a paid consultant to the Township, until two years after the expiration of the term for which he was elected to the Board. No Supervisor shall hold any compensated office of or employment by the County of Allegheny during his tenure as Supervisor.

§ 33.3-1019. Vacancies.

The office of Supervisor shall become vacant upon his death, resignation, removal from office in any manner authorized by law or this Charter, or forfeiture of his office, or for death or for failure to assume such office after election thereto within forty-five (45) days after the commencement of the term thereof. A Supervisor shall forfeit his office if he lacks at any time during his term of office any qualification for the office prescribed by this Charter or by law or is convicted of a felony or a crime involving moral turpitude or is absent from three (3) consecutive regular meetings of the Board without reasonable excuse. In the case of failure of attendance, unless excused by the Board, the Board shall declare such office vacant at least ten days before the same shall be filled by appointment.

§ 33.3-1020. Filling of Vacancies.

If a vacancy shall occur in the office of Supervisor for any reason, the remaining members of the Board shall fill such vacancy by appointing a person qualified under this Charter to hold such office for the unexpired term. If the Board shall refuse, fail or neglect, or be unable, for any reason whatsoever, to fill such vacancy within thirty (30) days after the vacancy occurs, then the President Judge of the Court of Common Pleas of Allegheny County-Civil Division shall be petitioned to appoint a replacement from a qualified petitioner or petitioners whose petition or petitions has the signatures of at least fifty (50) voters of the Township.

§ 33.3-1021. Organization of the Board.

The Township Board of Supervisors shall organize at 8:00 p.m. on the first Monday of January of each year, by electing one of their number as Chairman and one of their number as Vice Chairman, who shall hold such offices at the pleasure of the Board. If the first Monday is a legal holiday, the meeting and organization shall take place the first day following. The Board may transact any further business it deems necessary or appropriate at the organization meeting.

**ARTICLE IV. OPERATION AND PROCEDURES OF THE
BOARD OF SUPERVISORS**

- Sec.
33.4-1034. Meetings.
33.4-1035. Records.
33.4-1036. Public Meetings.
33.4-1037. Operating Rules.
33.4-1038. Quorum.
33.4-1039. Majority Action.
33.4-1040. Form of Action by the Board.
33.4-1041. Citizens' Right to be Heard.

§ 33.4-1034. Meetings.

It shall be the duty of the Board to meet statedly at least once a month. The Board may adjourn to a stated time for general business or for special business. If no quorum is present at a regular or adjourned meeting, a majority of those who do meet may agree upon another date for a meeting and may continue to so agree until the meeting is held. Special meetings may be called by the Chairman or upon written request of at least four of the members thereof. Members shall have at least twenty-four (24) hours' notice of such special meetings. The notice shall state whether it is for general or special purposes, and if it is for special purposes, the notice shall contain a statement of the nature of the business to be considered. Presence at a meeting constitutes waiver of notice.

§ 33.4-1035. Records.

The Board shall make and preserve minutes and records of its proceedings. These records shall be open for public inspection during reasonable hours. In addition, at least one week prior to any regular meeting, the Board shall release an agenda of the regular meeting and within one week after the regular meeting, the Board shall release a summary of action taken at the meeting. Within one week after any special meeting the Board shall release a summary of action taken at the special meeting. For the purposes of this section, releases may appear in any newspaper or other publication generally circulated in the Township on a monthly, weekly, or daily basis.

No business shall be transacted at regular meetings unless the subject appears on the agenda. Any emergency matters may be considered at special meetings upon twenty-four (24) hours' notice.

§ 33.4-1036. Public Meetings.

All official meetings of the Board shall be open for public attendance. All official votes of the Board shall be taken openly.

§ 33.4-1037. Operating Rules.

The Board shall by resolution adopt rules of procedure for its meetings and for assignment of members to committees. Such rules shall be designed to assure full and equal participation in the deliberations of the Board by all of its members.

§ 33.4-1038. Quorum.

A majority of the members of the Board shall constitute a quorum. The Board shall conduct no business except in the presence of a quorum.

§ 33.4-1039. Majority Action.

The action of a majority of the Supervisors present and entitled to vote, unless otherwise stated in this Charter, shall be binding upon and constitute the action of the Board.

§ 33.4-1040. Form of Action by the Board.

Official actions of the Board may be taken by adoption of an ordinance, of a resolution, or by motion. All ordinances and resolutions must be in written form. All actions of a legislative character shall be taken by ordinance. All other actions of the Board shall be by resolution or motion, unless otherwise required in this Charter, or in the resolution establishing the rules of procedure. However, no such administrative action shall be void or otherwise adversely affected if it shall have been taken by ordinance. All final action in adopting ordinances or resolutions shall be by roll call vote, and the vote of each member of the Board shall be entered in the minutes of the meeting.

§ 33.4-1041. Citizens' Right to be Heard.

The Board shall provide reasonable opportunity for interested citizens and taxpayers to address the Board on matters of general or special concern. This opportunity may be afforded the public either at the regular monthly Board meeting or at another regular monthly meeting specially set for this purpose.

Upon petition signed by two hundred registered voters of the Township, the Board shall set a special meeting of the Board to hear matters set forth in the Citizens' petition. The special meeting of the Board shall be set within thirty (30) days after the petition is filed with the Township secretary.

ARTICLE V. ORDINANCES AND RESOLUTIONS

- Sec.
33.5-1054. Certain Specific Action Requiring an Ordinance.
33.5-1055. Enacting Clause.
33.5-1056. General Ordinances Requirements.
33.5-1057. Penalty.

33.5-1058. Publication and Effective Date of Ordinances.

33.5-1059. Recording of Ordinances and Resolutions.

33.5-1060. Ordinances Requiring Prior Public Notice.

§ 33.5-1054. Certain Specific Action Requiring an Ordinance.

In addition to any other actions required by law or by this Charter to be taken by ordinance, those actions of the Township Board of Supervisors shall be by ordinance which:

- (1) Adopt or amend an administrative code.
- (2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed, except for fines of less than One (\$1.00) Dollar per violation.
- (3) Levy taxes, except to continue an existing levy.
- (4) Grant, renew or extend a franchise.
- (5) Establish, alter or abolish rates charged for any utility or any other service supplied by the Township.
- (6) Authorize the borrowing of money.
- (7) Convey or lease or authorize the conveyance or lease of any lands of the Township.
- (8) Amend or repeal any ordinance previously adopted unless such previous ordinance action could have been taken by resolution or motion.
- (9) Establish wages, hours or fringe benefits of any employee of the Township.
- (10) Create an Authority after referendum and approval of the voters.
- (11) Regulate land use.

§ 33.5-1055. Enacting Clause.

The enacting clause of all ordinances shall be: "The Township of West Deer hereby ordains:"

§ 33.5-1056. General Ordinances Requirements.

Every ordinance shall contain the date of its enactment, and its enactment shall be verified by the signature of the presiding officer of the meeting where final action thereon was taken. The official seal of the municipality shall be affixed to the original copy of each ordinance. However, failure on the part of the presiding officer to sign an ordinance or affix the official seal shall not in any way invalidate an otherwise valid ordinance.

§ 33.5-1057. Penalty.

The penalty for the violation of any ordinance shall not exceed Three Hundred (\$300.00) Dollars for each violation or thirty (30) days imprisonment in default of payment of fine. The limit of fines may be increased by the Board to the extent

of the maximum fine that may be levied by any non-charter municipality in the Commonwealth of Pennsylvania as that limit is from time to time established by the General Assembly.

§ 33.5-1058. Publication and Effective Date of Ordinances.

After adoption, all ordinances shall be published one time in a newspaper circulating generally within the Township. The full text of the ordinance need not be published; instead the title and a general summary of the substance of the ordinance will be sufficient to meet publication requirement. Publication shall occur within thirty (30) days of the enactment of the ordinance. The effective date of the ordinance shall be the publication dates unless a later date is specified in the ordinance, or required by the laws of the Commonwealth of Pennsylvania.

§ 33.5-1059. Recording of Ordinances and Resolutions.

All ordinances and resolutions of the Township shall be entered verbatim in permanent separate record books for ordinances and resolutions. No ordinance shall be considered in force until the same is recorded in the ordinance book. The ordinance book and the resolution book shall be open and available for public inspection at reasonable hours. These books shall be in the custody and control of the Township Secretary and all entries made therein shall be at the direction of the Township Secretary.

§ 33.5-1060. Ordinances Requiring Prior Public Notice.

No final action shall be taken on the following types of ordinances and amendments thereto without public hearing thereon and at least ten (10) days prior, public notice thereof released in a newspaper or newsletter circulating generally in the Township:

- (1) Zoning ordinances and amendments thereto.
- (2) Adoption of the zoning map and amendments thereto.
- (3) Sub-division regulations.
- (4) Land development and land use regulations.
- (5) New taxes or increases in the rate of existing taxes. No prior public notice shall be necessary for the re-enactment of taxes levied annually at the same rate.
- (6) Major projects (over 10% of previous year's total budget inclusive of all funds.)
- (7) Technical codes regulating use of real or personal property.

ARTICLE VI. TOWNSHIP ATTORNEY

Sec.
33.6-1076. Appointment, Qualifications and Compensation.

§ 33.6-1076. Appointment, Qualifications and Compensation.

The Board may appoint a qualified Township Attorney for an indefinite term and shall fix his compensation. The person may be relieved of his duties at any time, with or without cause.

ARTICLE VII. TREASURER

Sec.

33.7-1081. Appointment, Qualifications and Compensation.

33.7-1082. Removal.

33.7-1083. Powers and Duties of the Township Treasurer.

§ 33.7-1081. Appointment, Qualifications and Compensation.

The Board shall appoint a Township Treasurer for an indefinite term and shall fix his compensation. The Township Treasurer shall be appointed on the basis of his qualifications and experience in financial matters. He need not be a resident of the Township at the time of his appointment, but may reside outside the Township while in office only with the approval of the Board. The Treasurer may be a corporation.

Source

The provisions of this § 33.7-1081 amended May 19, 1998. Immediately preceding text appears at serial page (106198).

§ 33.7-1082. Removal.

The Board may remove the Treasurer at any time, with or without cause.

Source

The provisions of this § 33.7-1082 amended May 19, 1998. Immediately preceding text appears at serial page (106198).

§ 33.7-1083. Powers and Duties of the Township Treasurer.

The Township Treasurer shall receive and keep account of all funds of the Township. He shall disburse Township funds only pursuant to authorization of the Board. He shall arrange for temporary investments of the Township funds and shall make such investments at the direction of the Board. He shall make monthly reports of the tax collections to the Board and he shall submit such additional financial reports as the Board may require. He shall deposit the funds of the Township in various depositories as determined by the Board. Such deposits shall be made as soon as practical. All such accounts shall be in the name of the Township.

ARTICLE VIII. TOWNSHIP TAX COLLECTOR

Sec.
33.8-1096. Township Tax Collector.

§ 33.8-1096. Township Tax Collector.

There shall be an elected Tax Collector. The Tax Collector shall be elected for a term of four years, said term beginning the first Monday of January, 1978, and shall have the same powers and duties as Tax Collectors of non-charter Second Class Townships of Pennsylvania.

ARTICLE IX. SECRETARY

Sec.
33.9-1121. [Reserved].
33.9-1121a. Appointment, Qualifications and Compensation.
33.9-1122. [Reserved].
33.9-1123. Powers and Duties of the Secretary.
33.9-1124. Assistant Secretary.

§ 33.9-1121. [Reserved].

Source

The provisions of this § 33.9-1121 reserved November 6, 1990, effective January 6, 1992. Immediately preceding text appears at serial page (106199).

§ 33.9-1121a. Appointment, Qualifications and Compensation.

Every four years the township voters will elect a township Manager-Secretary. The first term shall begin on the first Monday of January, 1992. The reasonable compensation of the township Manager-Secretary will be fixed by the elected Auditors.

If the township Manager-Secretary resigns or is unable to complete his term, the township supervisors must appoint a substitute within 30 days to serve until the next election. If township supervisors are unable to appoint a substitute then the township supervisors must refer the vacancy to the Court of Common Pleas.

Source

The provisions of this § 33.9-1121a adopted November 6, 1990, effective January 6, 1992.

§ 33.9-1122. [Reserved].

Source

The provisions of this § 33.9-1122 reserved November 6, 1990, effective January 6, 1992. Immediately preceding text appears at serial page (106199).

§ 33.9-1123. Power and Duties of the Secretary.

The Secretary shall attend all meetings of the Board and shall keep full minutes of its proceedings. He shall transcribe the by-laws, rules, regulations, resolutions, and ordinances into appropriate books kept for those purposes. He shall preserve the records and documents of the Township and shall have custody of the corporate seal. He shall certify copies of any book, paper, record, by-law, rule, regulation, resolution, ordinance, or other proceeding of the Township under the seal of the Township. He shall attest the execution of all instruments and record all ordinances. He shall file on record proof of service of all notices required by law or ordinance and his certificate thereof shall be good evidence of such notice. He shall deliver to his successor the seal and all of the books, papers and other records and matters belonging to the Township.

§ 33.9-1124. Assistant Secretary.

The Board may, by resolution, appoint an Assistant Secretary, who shall, in the absence or disability of the Secretary, perform the duties and exercise the powers of the Secretary.

ARTICLE X. POLICE DEPARTMENT

Sec.

33.10-1125. Responsibility.

33.10-1126. Removal of Chief.

33.10-1127. Duties.

33.10-1128. Powers.

33.10-1129. Rights of Police Officers.

§ 33.10-1125. Responsibility.

The primary responsibility for the keeping of peace and order in the Township shall be in the Police Chief who shall be appointed by the Board.

§ 33.10-1126. Removal of Chief.

The Police Chief may be removed for cause, though he shall retain the same protections with regard to promotions and discharge as police officers of non-charter Second Class Townships.

Source

The provisions of this § 33.10-1126 amended May 19, 1998. Immediately preceding text appears at serial page (155090).

§ 33.10-1127. Duties.

It shall be the duty of the Police Department to preserve the public peace, prevent and detect crime, police the streets and highways, and enforce traffic statutes, ordinances and regulations relating thereto. The Police Department and its

personnel shall at all times aid in the administration and enforcement within the Township of the laws of the United States of America and of the Commonwealth of Pennsylvania and the ordinances of the Township of West Deer. The Police Chief shall promulgate rules and regulations pertaining to the Police Department which shall include a system designed to assure appointment and promotion within the Department on the basis of merit and aptitude for police science as demonstrated by independent, professionally administered tests and by the favorable recommendation of an oral board composed of persons independent of the appointing authority. The Chief shall conduct background investigations of candidates for police department appointments and report the same to the Board of Supervisors, recommending whether or not an appointment should be made. New appointees shall serve a one-year probationary period during which time the Chief shall make an evaluation of the probationer every month. The Chief shall also make monthly evaluations of members of the department for potential promotion which shall also be considered when promotions are to be made.

§ 33.10-1128. Powers.

Police officers shall have all the powers and protection conferred by statute upon members of the police force of non-charter Township of the Second Class and upon constables of the Commonwealth of Pennsylvania. They shall have the power to make lawful searches, seizures and arrests for violations of any statute or ordinance in force in the Township, to serve subpoenas when ordered so to do by their superior officers, and to do such other acts as may be required of them by statute or ordinance.

§ 33.10-1129. Rights of Police Officers.

All police officers shall continue to have the same protection with regard to promotion and discharge as police officers of non-charter Second Class Townships.

ARTICLE XI. BUDGET AND FISCAL MATTERS

Sec.

- 33.11-1141. Fiscal Year.
- 33.11-1142. Proposed Budget.
- 33.11-1143. Budget Content.
- 33.11-1144. Public Record.
- 33.11-1145. Adoption of Budget.
- 33.11-1146. Modification of Budget.
- 33.11-1147. Appropriations.
- 33.11-1148. Payment of Funds.
- 33.11-1149. Audit.
- 33.11-1150. Fidelity bonds.

§ 33.11-1141. Fiscal Year.

The fiscal year of the Township shall begin on the first day of January and end on the last day of December of each year.

§ 33.11-1142. Proposed Budget.

On or before the 15th day of November of each year, the Board of Supervisors shall cause to be prepared a proposed budget for the ensuing fiscal year. The budget shall contain an outline of the proposed financial policies of the Township for the ensuing fiscal year. It shall indicate the major changes proposed from the current year in financial policies, expenditures and revenues, together with the reason for such changes.

§ 33.11-1143. Budget Content.

The budget shall provide a complete financial plan of all Township funds and activities for the ensuing fiscal year and, except as required by this Charter, shall be in such form as the Board of Supervisors may require. The budget shall be organized so as to use the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. The budget shall contain, inter alia, the following:

- (1) It shall begin with a general summary of its contents.
- (2) It shall show in detail all estimated income, indicating the existing and proposed tax levies, as well as other assessments, fees and charges.
- (3) It shall show all proposed expenditures, including debt service, for the ensuing fiscal year.
- (4) It shall show the number of proposed employees in every job classification.
- (5) It shall be so arranged as to show comparative figures of estimated income and expenditures for the ensuing fiscal year and actual income and expenditures for the preceding fiscal year.
- (6) It shall indicate proposed expenditures during the ensuing fiscal year, detailed by offices, departments and agencies, in terms of their respective work programs and the methods of financing such expenditures.
- (7) It shall indicate proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies, and the proposed method of financing each such capital expenditure.
- (8) The long-term capital expenditures program shall be projected.

§ 33.11-1144. Public Record.

The annual budget shall be a public record and shall be available for public inspection after submission and prior to adoption, and after adoption, during regular business hours.

§ 33.11-1145. Adoption of Budget.

The annual budget shall be adopted by resolution. This action shall be taken prior to the commencement of the year for which the budget is prepared. Four weeks prior to adoption, the Supervisors shall hold one public hearing on the proposed budget. Notice of the hearing shall be released one week in advance to any newspaper or other publication of general circulation in the Township, advising residents that the budget is available for public inspection and the date and place of the public hearing.

Cross References

This section cited in 302 Pa. Code § 33.11-1146 (relating to modification of budget).

§ 33.11-1146. Modification of Budget.

The Board may modify the budget by resolution during the fiscal year for which the budget was adopted; provided, however, that such modification shall not result in expenditures exceeding the estimated income determined as of the time of the modification, and provided one public hearing on the modification is held, released as set forth in § 33.11-1145, immediately above.

§ 33.11-1147. Appropriations.

Adoption of the budget and modifications thereof shall constitute appropriations for the expenditures set forth therein.

§ 33.11-1148. Payment of Funds.

No payment of any funds of the Township shall be made unless provided for in the budget and approved by the Board; provided, however, that payroll and utility expenditures may be made at the direction of the Chairman of the Board or the acting Chairman of the Board where based upon a prior ordinance or contract. All checks or drafts of the Township shall be signed by the Treasurer and shall be counter-signed by the Chairman of the Board or the acting Chairman of the Board.

§ 33.11-1149. Audit.

There shall be three (3) auditors elected at large. An auditor shall be elected to serve a term of six years, said term beginning the first Monday of January, 1976, and an auditor shall be elected every two years thereafter. The three auditors shall be elected and serve in accordance with the Laws of Pennsylvania Relating to noncharter Townships of the Second Class. They shall audit the accounts of the Township annually.

The Board of Supervisors may contract for an audit by a Certified Public Accountant.

Upon presentation of a petition by five (5%) per cent of the registered voters of the Township asking for an independent audit, the Board of Supervisors must contract for an audit by a Certified Public Accountant.

§ 33.11-1150. Fidelity Bonds.

Before entering upon the duties of their respective offices or positions, the Township Tax Collector, Auditors, Treasurer, and Secretaries, as well as any other officer, agent or employee of the Township as the Board may determine, shall execute and file with the Township corporate surety bonds, conditioned for the honest and faithful performance of their respective duties, in such sums as shall be fixed by the Board. The agency placing such bonds shall be determined by the Board and the premium therefor shall be paid by the Township. Such bonds may provide for one or more additional obligees in the event that the officer bonded is acting in a dual or similar capacity with other political sub-divisions or governmental or quasi governmental entities.

ARTICLE XII. CONTRACTS

Sec.

- 33.12-1161. Requirements.
- 33.12-1162. Competitive Bids.
- 33.12-1163. Bidding Procedure.
- 33.12-1164. Exceptions to Competitive Bidding.
- 33.12-1165. Officials with Personal Interest in Contracts.

§ 33.12-1161. Requirements.

All contracts of the Township shall be approved by the Board, and contracts involving sums in excess of One Thousand (\$1,000.00) Dollars shall be in writing and shall be executed on behalf of the Township by the Chairman of the Board or, in his absence, the Vice Chairman of the Board. The Chairman of the Board shall also execute all contracts, regardless of amount, for the purchase, sale, leasing, or use of real estate. Unless otherwise provided by ordinance, the Chairman of the Board or, in his absence, the Vice Chairman, shall execute contracts on behalf of the Township involving sums of less than One Thousand (\$1,000.00) Dollars made pursuant to prior approval of the Board. Authorization for contracts for the construction of public capital improvements shall be given by ordinance. Any person required to execute a written contract may request the Township Attorney to approve the same as to form.

§ 33.12-1162. Competitive Bids.

Except as otherwise provided in this Charter, no contract for supplies, material, labor, franchise, or other services to be furnished to or by the Township shall be authorized on behalf of the Township except with the best responsible bidder after competitive bidding.

§ 33.12-1163. Bidding Procedure.

The Board shall, by ordinance, establish a system of competitive bidding, including such definitions, publication requirements, deposit and bond requirements, conditions, terms, rules and regulations.

§ 33.12-1164. Exceptions to Competitive Bidding.

Competitive bidding shall not be required under this Charter for:

- (1) Labor or services rendered by any Township officer or employee.
- (2) Labor, material, supplies, or services furnished by one Township department to another Township department.
- (3) Contracts for labor, material, supplies, or services aggregating less than One Thousand (\$1,000.00) Dollars for the item in the year supplied.
- (4) Contracts relating to the acquisition of real property.
- (5) Contracts for emergency repair of public works of the Township.
- (6) Contracts with other governmental entities, authorities, agencies, or political sub-divisions.
- (7) Professional and unique services.
- (8) Insurance and Surety Company Bonds.

§ 33.12-1165. Officials with Personal Interest in Contracts.

No supervisor, nor any other Township officer or employee shall benefit by, or be financially interested, directly or indirectly, to any appreciable degree, in any contract for the purchase of property or services (except for the services for which he is specifically retained), to be paid from the Township treasury.

ARTICLE XIII. PERSONNEL

Sec.
33.13-1176. Dismissal of Personnel.

Cross References

This article cited in 302 Pa. Code § 33.7-1082 (relating to removal); and 302 Pa. Code § 33.9-1122 (relating to removal).

§ 33.13-1176. Dismissal of Personnel.

No officer or employee of the Township shall be dismissed from office without first being provided a private hearing before the Board of Supervisors. If the matter is not resolved after the above required private hearing, the employee shall be afforded a public hearing at which hearing the Board shall provide written charges and supply notes of testimony or other suitable recording of testimony if requested by the employee.

ARTICLE XIV. GENERAL PROVISIONS

Sec.

- 33.14-1188. Severability.
- 33.14-1189. Effective Date.
- 33.14-1190. Rights of Home Owners.
- 33.14-1191. Fire Protection.
- 33.14-1192. Initiative and Referendum.
- 33.14-1193. Appointed Board of Commission, Authorities, Etc.
- 33.14-1194. Intent of Charter.
- 33.14-1195. Nepotism.
- 33.14-1196. Continuity.
- 33.14-1197. Tax Limitation.
- 33.14-1198. Municipal Authorities.
- 33.14-1199. Planning and Zoning.
- 33.14-1200. Borrowing Procedure and Debt Limitation.
- 33.14-1201. Administrative Code.

§ 33.14-1188. Severability.

It is the intention of the electors of the Township that if this Charter cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding invalid any part or parts hereof, the remaining provisions of the Charter shall be given full force and effect as completely as if the part or parts held invalid had not been included herein.

§ 33.14-1189. Effective Date.

This Charter shall become effective and shall be deemed operative on the first Monday of January, 1976. In the primary and general municipal elections to be held in 1975, only the municipal officers designated in this Charter shall be presented for nomination and election.

§ 33.14-1190. Rights of Home Owners.

A thrifty, industrious, self-reliant people being the foundation of any nation, the rights of the people by their own hands to rebuild, repair or maintain their homes and home properties, or have the same done, shall not be abridged, and any regulations other than zoning regulations shall be restricted to performance standards consistent with minimum requirements of good safety and health practice.

§ 33.14-1191. Fire Protection.

Fire protection shall be furnished by volunteer fire companies as per previous practice. Appropriations, assistance and necessary regulations may be originated by the Board of Supervisors.

§ 33.14-1192. Initiative and Referendum.

A. *General Authority:*

1. *Initiative.* The qualified voters of the Township shall have power to propose ordinances to the Board, and if the Board fails to adopt an ordinance so proposed without any change in substance, the qualified electors shall have the power by a majority vote to adopt or reject it at any election. No proposed initiative ordinance shall contain more than one subject which shall be clearly expressed in its title.

2. *Referendum.* The qualified voters of the Township shall have the power to require reconsideration by the Board of any adopted ordinance, and if the Board fails to repeal an ordinance so reconsidered, then qualified voters shall have the power to approve or reject it at any election.

B. *Initiative and Referendum:*

Procedures:

Initiative and Referendum procedures shall be initiated upon petition signed by seven (7%) per cent of the registered electors of the municipality at large. Every initiative and referendum petition shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

Each elector signing an initiative or referendum petition shall add to his signature his occupation, his residence, his election district, and the date of signing. Signatures on an initiative or referendum petition may be on separate sheets but each sheet shall have appended to it the affidavit of some person, not necessarily a signer of the petition, that to the best of the affiant's knowledge and belief the persons whose signatures appear on the sheet are registered electors of the Township, that they signed with full knowledge of the contents of the petition, and their residences are correctly given.

An initiative or referendum petition shall be tendered for filing to the County Board of Elections. No signature shall be counted as valid which is dated more than sixty (60) days prior to the date the petition is tendered for filing. Upon tender to the County Board of Elections, the petition shall be available for examination by any interested person. Within fifteen (15) days after tender of the petition, the County Board of Elections shall have authority to pass upon the validity of the petition and the validity and number of signatures required thereon. The decision of the Board of Elections shall be subject to immediate review on appeal to the Court of Common Pleas.

C. *Referendum Petitions; Suspension of Effect of:*

Ordinance:

When a referendum petition is filed with the County Board of Elections, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

1. There is a final determination of insufficiency of the petition, or
2. The petition is withdrawn, or
3. The Board repeals the ordinance, or

4. Thirty days have elapsed after a vote of the electors of the County on the ordinance.

D. *Action on petitions:*

1. When an initiative or referendum petition has been finally determined sufficient, the Board shall promptly consider the proposed initiative ordinance or reconsider the referred ordinance by voting its repeal. If the Board fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance within thirty (30) days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the electors of the Township.

2. Submission to Voters; The vote of the Township on a proposed or referred ordinance shall be held not less than thirty (30) days and not later than one year from the date of the final Board vote thereon. Copies of the proposed or referred ordinance shall be made available at the polls and to the public.

3. Withdraw of Petitions: An initiative or referendum petition may be withdrawn by filing with the County Board of Elections a request for withdrawal signed by at least fifty-one (51%) per cent of the petitioners. Upon the filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.

E. *Results of Election:*

1. *Initiative:* If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Township Board of Supervisors. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

2. *Referendum:* If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

§ 33.14-1193. Appointed Board of Commission, Authorities, Etc.

All appointed Boards of Commission, Authorities, etc., shall have seven (7) members. This provision shall be implemented as soon as possible.

§ 33.14-1194. Intent of Charter.

The intent of this Charter is to provide for an efficient government responsive to the lawful wishes of the people.

§ 33.14-1195. Nepotism.

Where there is a question of nepotism, the Board of Supervisors by vote must decide if the seriousness of the charge of nepotism outweighs the benefits to the Township at large.

§ 33.14-1196. Continuity.

A. All municipal ordinances, resolutions, rules and regulations, which are in force at the time this Charter is adopted not inconsistent with the provisions of this Charter shall continue in force until amended or repealed.

B. All municipal departments, bureaus, administrative units, offices, agencies, and commissions shall continue until modified pursuant to the provisions of this Charter.

§ 33.14-1197. Tax Limitation.

The Total Sum of all real estate taxes and all other taxes imposed on a millage basis by the Township Supervisors without the approval of the Township voters at any election is strictly limited to twelve mills per One Dollar of assessed valuation. This limitation may be modified by the Board of Supervisors by an ordinance placing the question of increasing the limit on the ballot of any election for the approval or rejection by the qualified voters of the Township.

Source

The provisions of this § 33.14-1197 amended April 26, 1988, effective April 26, 1988. Immediately preceding text appears at serial page (106210).

§ 33.14-1198. Municipal Authorities.

The Board of Supervisors is mandated to terminate any existing municipal authorities as soon as legally and reasonably practicable.

The Board of Supervisors is further mandated to take all actions necessary to prevent the further increase in indebtedness of any existing municipal authority.

No new municipal authority shall be created except upon approval of the electorate under a referendum as provided in this Charter.

§ 33.14-1199. Planning and Zoning.

The Township shall continue to be subject to the laws of the Commonwealth of Pennsylvania relating to planning and zoning which are applicable to non-charter Townships of the Second Class, except as otherwise specifically provided in this Charter.

§ 33.14-1200. Borrowing Procedure and Debt Limitation.

The Township shall continue to be subject to the laws of the Commonwealth of Pennsylvania relating to borrowing procedure and debt limitation which are applicable to non-charter Townships of the Second Class.

§ 33.14-1201. Administrative Code.

The Board of Supervisors shall by ordinance, within three years after the effective date of this Charter, adopt an administrative code including:

1. A merit system for personnel.
2. Rules of procedure.

[Next page is 35-1.]

33-22

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